IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

Bail Appl..No. 5584 of 2007()

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CRIME NO. 330/2007 OF PUDUKKAD POLICE STATION

PETITIONER : ACCUSED NO.3

KANNAN @ SANEESH, S/O. SIVAN
KOOTOLI HOUSE,
PULAKKATTUKARA DESOM,
NENMANIKKARA VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTICT

BY ADV. SRI.A.C.DEVY

RESPONDENTS:

THE STATE OF KERALA
REP. BY THE BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5584 of 2007

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Dated this the 18th day of September, 2007

ORDER

Application for regular bail. The petitioner is the 3rd accused . He along with five accused persons faces allegations for offences punishable under Sec.302 read with 34 IPC. The crux of the allegations against the petitioner is that there was some animosity between the 2nd accused and the deceased. The accused persons, in furtherance of their common intention of commission the crime, attacked the de facto complainant. The 1st accused planted a stab injury on the deceased, who succumbed to such injury suffered by him. The precise allegations against the petitioner is that he along with other co-accused had facilitated the commission of crime by restraining the deceased. The petitioner was arrested on 22.7.07. He continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The allegations raised are false. Even accepting the allegations, he had no significant and crucial role in committing the alleged offence. In these circumstances, the petitioner who remains in custody from 22.07.07, may now be enlarged on regular bail, prays the learned counsel for the petitioner.

3. The learned Public Prosecutor does not oppose the said prayer. The learned Public Prosecutor submits that the petitioner has no criminal antecedents. There is no specific allegation that the petitioner had wielded any weapon in the commission of crime. and I am satisfied that regular bail can be granted to the petitioner subject to appropriate conditions.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of three months. Thereafter, he shall make himself available for interrogation as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE